

friend and great East Texan who passed away last year—L.T. “Herby” Ballew.

Herby Ballew was the founder of the famed Herby’s Foods in Grand Prairie which produced over 100,000 sandwiches daily. He sold the company in 1975, and became chairman and CEO of the Bank of Crowley, Texas—an institution he ran until the early 1990’s. Herby ended his prosperous career as the owner of Fame Care, a chemical company.

Herby was a successful businessman who considered his employees as members of his family. They remember him as a compassionate and generous man.

He was also devoted to his family, who include his wife, Vee Ballew; sons, Barry Ballew and Terry Lampman and wife Marolyn; daughters, Terry Jean Trevino and husband, Gonzy, Kathy Long, Patty Grieder and husband, Clyde, and Rose Shirley and husband, John; and sister, Dorothy Jewett and brother-in-law Elliott. He also was the proud grandfather of ten grandchildren and eleven great-grandchildren.

Herby will be long remembered as a generous citizen as well as successful businessman who touched the hearts of everyone he met. Mr. Speaker, as we adjourn today, let us do so in memory of this esteemed man and a life-long friend—Herby Ballew.

# FLY LIKE AN EAGLE

## HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2004*

Ms. LOFGREN. Mr. Speaker, this past weekend I was privileged to attend the graduation of my daughter from Stanford University. There is an interesting tradition at Stanford. Each year the graduating students vote to select a professor to give one last lecture to them at lunch the day before graduation. This year, that honor went to Professor Terry Karl.

Professor Karl has a long history as a human rights advocate. Among other things, she has monitored elections for the United Nations and served as an advisor to U.N. peace negotiators.

During the “final lecture”, Professor Karl challenged the graduates to assume responsibility for the long-term prospects of our country, especially in the wake of the recent prison abuse scandal at Abu Ghraib. She discussed the doctrine of “command responsibility,” which says that leaders cannot turn a blind eye to abuse.

As she poignantly stated, “no amount of military power will make up for what we lose if the world at large believes that, despite our years of rhetorical support for rights and democracy, we are prepared to compromise them the moment our own lives become threatened.”

I believe that Professor Karl has raised very important issues in this lecture, and I ask that her entire lecture be made a part of the RECORD so that all the American people, not just the Stanford class of 2004, may have the benefit of her scholarship and insights.

[Speech to the Graduating Class of 2004  
Stanford University, June 12, 2004]

FLY LIKE AN EAGLE (EVEN IF YOU FEEL LIKE  
A CHICKEN)

(By Terry Karl)

Gildred Professor of Latin American Studies  
and Professor of Political Science

President Hennessey, Provost Etchemendy, Trustees, parents, and most especially graduates, thank you for the honor of inviting me to speak to you. In the midst of your celebration, I ask you to pause—for these are serious times.

Archbishop Desmond Tutu, anti-apartheid hero and head of South Africa’s Truth and Reconciliation Commission, tells a story (which inspired this talk) about a farmer who raised chickens in his backyard. Amongst this farmer’s chickens, there was one that looked a little odd. It behaved like a chicken. It walked like a chicken. It pecked away like a chicken. One day a wise woman came along and said to the farmer: “You know, that isn’t a chicken. It is an eagle.” The farmer said: “No way. That is a chicken.” And he looked at the odd bird and said: “Don’t get any fancy ideas. You are a chicken.”

“I don’t think so,” said the wise woman. She picked up the strange looking chicken, climbed up the nearest mountain, stood at the edge of a precipice, and waited until sunrise. Then she turned the bird towards the sun and said: “You are an eagle. You can soar. You can change your world. Go fly.”

The strange looking chicken shook itself and tentatively spread its wings. It looked up at the sky. It looked down—way down—to the bottom of the precipice. It took a few steps back in the direction of the other chickens, where it had been so comfortable, where it had a daily routine and food to eat. “Sorry,” it said to the wise woman: “I don’t feel like an eagle. I feel like a chicken. And I don’t think I can fly.”

“That’s your choice,” the wise woman said softly. “But remember, you are responsible for the decisions you make. If you don’t dare to fly, you will never be fully alive. You will never reach the sky. Even if you feel like a chicken, fly like an eagle.”

That “strange chicken” comes to mind every time there is a choice between taking an easy path or making a trail where there is no road. After completing my doctorate at Stanford, I conducted research in El Salvador’s civil war in the 1980s. Military leaders repeatedly assured me that their army did not commit human rights abuses. But the testimony of countless others told a different story. Salvadorans described how they had been hooded or blindfolded for days; deprived of sleep, food, and water; beaten and shocked; raped and forced to watch the torture and murder of others.

At El Mozote, a massacre site where a forensic team would later dig up the bodies of over 100 children under the age of 12, a peasant woman approached me. “You are American. You are powerful. You will find out who is responsible for this.” That night, flying back to the United States, I railed against that woman. “Powerful? A general is powerful. A president is powerful. I am five feet tall. I am a woman from Missouri. I don’t have tenure. I am not powerful.”

Now, fast forward two decades to a South Florida courtroom, in June 2002, where two Salvadoran generals living in the U.S., Generals Jose Guillermo Garcia and Eugenio Vides Casanova, stood on trial, charged with responsibility as their country’s top commanders for the abuse of Salvadoran civilians. Three survivors of torture brought the courtroom to tears as they testified about what had happened to them. One of them, Carlos Mauricio, honors us with his presence today.

As the expert witness in this trial—a trial that few believed would ever take place and even fewer believed could be won—I documented how the actions these generals had taken (and the actions that they had failed to take) were interpreted down the chain of command as a “green light” to commit torture. Thus these men should be held responsible for crimes committed against Salvadoran civilians.

In their defense, the generals denied their responsibility. They were fighting terrorism. They could not be expected to control the actions of all their soldiers. They were not present when prisoners were humiliated, abused and murdered, and they were not the actual torturers. So why, they asked the jury, were they on trial for what a few “bad apples” had done?

Because the law demands it.

The doctrine of “command responsibility,” the product of an American initiative enshrined in law since the Nuremberg Statutes after World War II, affirms that civilian and military leaders may be held legally accountable for abuses committed by their subordinates—even when these commanders did not personally order abuses, witness such abuses, have direct knowledge about them or conspire to commit them. This law recognizes the tremendous danger of abuse inherent in war and, in tribute to the awful sacrifices of the Holocaust and those who died in two world wars, it places the moral worth of each and every person at the center of our international order. Rather than permit leaders to turn a blind eye to abuse, it contends that those leaders who “knew or should have known” about abuse and “failed to prevent or punish it” are criminally accountable for this abuse. It charges both military and civilian authorities with an affirmative duty to prevent crimes, to control their troops, to act when a crime is discovered, and to punish those found guilty of committing the actual crime—no matter how high responsibility may reach in the chain of command.

Thus, a Florida jury found these once powerful Salvadoran generals responsible for gross human rights abuses. In an historic and precedent-setting ruling, a jury of ordinary people reaffirmed the doctrine of command responsibility in an American court. Their verdict, covered in every major newspaper and widely televised around the world, sent a powerful signal. It warned murderers, torturers and dictators to think twice before retiring to the United States. And it demonstrated that, at our best, America’s freedoms and the energies of people like our lawyers, researchers, translators—people just like you—can be harnessed to transcend national borders and to hold even the most powerful to account for their actions against the vulnerable.

Which brings me back to the precipice where we left the strange chicken.

Our country is at the edge of a precipice. Regardless of how the situation in Iraq finally plays itself out, we are in the midst of one of the greatest and most intractable global crises of modern times. 9/11 was an earthquake in the psyche of America, and flying airplanes into buildings where people work is a crime against humanity. But the behavior depicted in the terrible photos of the hooded Iraqi led around on a leash and the 37 homicides of prisoners in U.S. detention now under investigation are also criminal acts. While the numbers may not be the same and the circumstances are different, U.S. law and international law are clear: both are crimes against humanity.

The simple truth, whether we like to hear it or not, is that since the attacks of September 11, 2001, officials of the United States, from Afghanistan to Guantanamo to

Iraq, have been torturing prisoners. They have done this with the institutional approval of the U.S. government advised by memoranda from the President's own counsel, with official declarations aimed at sidestepping the historic safeguards of the Geneva Conventions, and with actual written policies permitting the use of "moderate physical force" (from Mark Danner in his excellent articles on torture in the *New York Review of Books*)—policies that violate rulings by our courts, the European Court of Human Rights, the Inter-American Court, and the Supreme Court of Israel. By the military's own calculation, an estimated 80 percent of prisoners subjected to this treatment are innocent of any wrongdoing.

No amount of military power will make up for what we lose if the world at large believes that, despite our years of rhetorical support for rights and democracy, we are prepared to compromise them the moment our own lives become threatened. The dreadful story told by these photographs (and we have not seen the worst of them) has done enormous damage to our moral standing, our strategic power, and our spirit.

Today much of the world believes that there is a difference between what Americans claim to stand for and what we actually do in the world. According to a 19 nation poll released last week, a majority now thinks that the United States is having a negative influence on the world; only 37 percent judge our country as having a "positive influence." Listen to the countries polled: Canada, Chile, China, France, Germany, Great Britain, Brazil, India, Indonesia, Mexico, Nigeria, Russia, South Africa, Spain, Turkey, Uruguay and Italy—and yes, the United States itself. This is an enormous change from the days after September 11 when a French newspaper proclaimed: "We are all Americans."

Today, we stand more alone in the world than we ever have.

This decline in our reputation is a decline in our security. We live "unavoidably side by side," Kant said two hundred years ago. But even this great philosopher could not have imagined how enmeshed nations and peoples have become today. Thus what happens in one part of the world—the dramatic increase in poverty and inequality, the failure to address the terrible consequences of global warming, the catastrophe of AIDS, the nineteen civil wars currently active, the persistence of oil-related crises mixed to dangerous combustion with religious or ethnic conflict in Saudi Arabia, Nigeria, Chad and Indonesia—this will blow back on us. Global problems, no matter how remote they appear, will increasingly affect everything in our daily lives—from the imperative transition from a fossil fuel energy system (which will happen in our lifetime), to the air we breathe, to the diseases we face, to the safety of the cities we inhabit.

These problems cannot be solved with military might alone. They cannot be solved within our borders. And they cannot be solved without friends.

Thus we must address the damage that has been done in our name—no matter how far up the chain of command this requires. For our spirit and our security, we must demonstrate that we are a nation of law, democracy, and decency. We must show the world that we will apply, at the very least, the same standards to our own leaders as we have to Salvadoran generals.

Which brings me to you—the "strange birds" of 2004.

This is your precipice. What will you do about it? What will you do to awaken in yourselves and others a new sense of responsibility for our country and for this world? How will you fight to make your leaders conduct themselves "as if they were going to

live on this earth forever and be held accountable for its condition?"

The question is not whether you will be chickens or eagles. You have no choice. You are living in the most powerful country in the world. You are graduating from one of the best universities in the world. Tomorrow you will hold a certificate that does much to ensure your place among the most fortunate of this world. But just as that Salvadoran woman in El Mozote once put it to me, I shall put it to you: You are eagles. The choice you face is whether you will dare to fly.

Survey data on your generation as a whole is not very promising. It says that you are primarily interested in acquisition, that you define yourself in terms of possessions rather than "goods of the soul." You are self-interested and care little for developing a moral code, much less for assuming some type of global political responsibility. You do not want to be eagles at all, we are told, but rather successful chickens in a very well ordered barnyard.

At Stanford our experience is different. Here students work on women's health in Afghanistan and Chiapas, democracy in China and Kyrgyzstan, and war crimes in Rwanda and the Hague. Students build schools in Central America, assist AIDS orphans in South Africa, develop medicines for low income countries, test development strategies, provide education programs for inner-city kids, create a journal to promote human rights, and volunteer in virtually every community service organization imaginable. Yet some of these very same students are reluctant to show that they are not simply hard-nosed realists or self-interested balancers of costs and benefits. It is almost as if they hear whispering in their ears the German poet Holderlin, who wrote around 1800 an essay entitled *Good Advice*. Listen to his advice: "If you have brains and a heart, show only one or the other. You will not get credit for either should you show both at once."

This isn't good advice at all.

Your university years have been defined by two distinct crimes against humanity—September 11 and torture in Iraq. Whatever their differences (and they are different), the lesson from these two crimes is the same: our own security is intimately bound up with our ability to use both our hearts and our brains, to empathize as well as analyze. Crimes like 9/11 or the torture of Iraqi prisoners can only occur when the victims are defined as something less than human; they can only be portrayed as permissible when all lives are not valued equally. Their prevention rests on our capacity to affirm the principles of equal respect, and to expand, not contract, human rights protections both at home and abroad.

Being an eagle means becoming citizens who are not simply Americans but who are citizens of this earth. It means raising, not lowering, the bar.

We are at a turning point. For all of you who feel helpless, who despair, who are cynical and who do not feel like eagles, remember this. "There are only two kinds of people who tell you that you cannot change the world: those who are afraid to try themselves, and more importantly, those who are afraid that you may succeed."

Instead, think of Margaret Mead's well-known phrase: "Never say that the actions of one, two or three ordinary people cannot change the world. It is the only thing that does." Think of Carlos Mauricio, who faced down an abuser. Think of all those people who give a piece of themselves every day, who speak out against the brutality they see, who try to stop impoverishment and the despoiling of our environment, and who understand that ultimately the world cannot

be peaceful if some have far too much and others far too little.

Take inspiration from these eagles.

Shake yourselves, spread your wings and lift off. Whether you run a business or a community organization, a clinic or a school, assume responsibility for the long-range prospects of our country and our troubled earth. Aim high for a world without war and without genocide, a world of respect for all, a world that is far greater than the one we are handing to you. Because, as Eleanor Roosevelt said, "The future belongs to those who believe in the beauty of their dreams."

Congratulations, and may you fly!

## PAYING TRIBUTE TO DR. MARY VADER

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2004*

Mr. McINNIS. Mr. Speaker, today I rise with great joy to pay tribute to Dr. Mary Vader of Montrose, Colorado. "Dr. Mary," as many of her patients call her, dedicates her work and service to the health and well being of others. In recognition of her service, Dr. Mary was recently awarded the Harold E. Williamson award, and I think it is appropriate to recognize her accomplishments before this body of Congress and this nation today.

Dr. Mary is a native of Western Colorado, leaving only for a short period during her professional training. In the early 1990s, she took a position as a partner with Pediatric Associates, a pediatric clinic in Montrose. In addition to her dedication to her practice, she has done much to share her knowledge and to give back to the Montrose community. She played a major role in establishing "Dream Catchers" in Western Colorado, an organization that provides therapy for disabled children using the assistance of horses. Additionally, Dr. Mary helped start and continues to volunteer for the Montrose Medical Mission, a non-profit medical clinic providing free care to uninsured patients.

Dr. Mary also acts as a consulting physician for the Child Abuse Response Team of the 7th Judicial District and helps with the training for Sexual Assault Nurse Examiners. The COPIC Medical Foundation recently honored Dr. Mary with its 2003 Harold E. Williamson Award, and made a generous donation to the Montrose Medical Clinic in her name.

Mr. Speaker, I would like to commend Dr. Mary Vader for her tireless efforts to better her Montrose Community. Her efforts have tremendously contributed to the health and wellness of her community. I wish to thank her for her service and wish her the best in her future endeavors.

## NATIONAL MEN'S HEALTH WEEK AND DR. KENNETH GOLDBERG

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2004*

Mr. BURGESS. Mr. Speaker, it is my duty to clearly state the necessity of men's health awareness. This week is National Men's Health Week, and it comes at an important